

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

UNITED STATES DISTRICT COURT

for the

Middle District of Pennsylvania

Division

Roscoe Chambers

) Case No.

(to be filled in by the Clerk's Office)

Plaintiff(s)  
(Write the full name of each plaintiff who is filing this complaint.  
If the names of all the plaintiffs cannot fit in the space above,  
please write "see attached" in the space and attach an additional  
page with the full list of names.)

-v-

Correctional officer B. funk

Defendant(s)  
(Write the full name of each defendant who is being sued. If the  
names of all the defendants cannot fit in the space above, please  
write "see attached" in the space and attach an additional page  
with the full list of names. Do not include addresses here.)

Demand for Speedy  
Jury Trial

FILED  
SCRANTON

JUN 20 2019

PER AM  
DEPUTY CLERK

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS  
(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

## Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

*Roscoe Chambers*All other names by which  
you have been known:

ID Number

*13495-030*

Current Institution

*USP Lewisburg*

Address

*P.O. Box 1000**Lewisburg*

City

*PA*

State

*17837*

Zip Code

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

*B. Funk*Job or Title (*if known*)*Correctional officer*

Shield Number

*N/A*

Employer

*F.B.I., P.R. / Warden David J. EBBurf*

Address

*2400 Robert F. Miller Drive P.O. Box 1000**Lewisburg**PA**17837*

City

State

Zip Code

 Individual capacity Official capacity

Defendant No. 2

Name

Job or Title (*if known*)

Shield Number

Employer

Address

City

State

Zip Code

 Individual capacity Official capacity

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## Defendant No. 3

Name \_\_\_\_\_

Job or Title (*if known*) \_\_\_\_\_

Shield Number \_\_\_\_\_

Employer \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_

Zip Code \_\_\_\_\_

 Individual capacity     Official capacity

## Defendant No. 4

Name \_\_\_\_\_

Job or Title (*if known*) \_\_\_\_\_

Shield Number \_\_\_\_\_

Employer \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_

Zip Code \_\_\_\_\_

 Individual capacity     Official capacity**II. Basis for Jurisdiction**

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (*check all that apply*): Federal officials (a *Bivens* claim) State or local officials (a § 1983 claim)

## B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?*8th Amendment*

8th Amendment,

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

The Defendant Bfunk put poison in my food tray on May 9, 2019

**III. Prisoner Status**

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):

- Pretrial detainee  
 Civilly committed detainee  
 Immigration detainee  
 Convicted and sentenced state prisoner  
 Convicted and sentenced federal prisoner  
 Other (*explain*) and at the Special Management Program for BOP

**IV. Statement of Claim**

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

Inside on Xblock first floor

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

Xblock first floor

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- C. What date and approximate time did the events giving rise to your claim(s) occur?

May 9, 2019 Dinner time

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- D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

I was throwing up I have severe stomach pain  
It was hard to breathe, it felt like I was having  
a heart attack and I had diarrhea bad

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V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Medical refuse to see me the warden and assistant  
wardens refuse to do any thing but they refuse to allow  
me to exhaust my administrative remedies saying I was  
untimely.

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VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes.  
If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for  
the acts alleged. Explain the basis for these claims.

I want Yo B. funk fired I want to be compensated  
\$250,000.00 and to be moved to a low security facility  
and for Yo B. funk to be charge criminally

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**VII. Exhaustion of Administrative Remedies Administrative Procedures**

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes

No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

*United States Penitentiary Lewisburg*

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

Yes

No

Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

Yes

No

Do not know

If yes, which claim(s)?

*Request to be interviewed by Investigation office  
all to preserve camera footage  
and to investigate staff misconduct*

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- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

Yes

No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes

No

- E. If you did file a grievance:

1. Where did you file the grievance? at WSP Lewisburg on May 22, 2011

2. What did you claim in your grievance? That Yo Bifunk put some kind of poison in my food, I wanted the staff to investigate it.  
Program statement 3420.09

3. What was the result, if any? they did not investigate it  
I filed the Bp 8 on May 22, it was returned  
to me on June 3, I filed the Bp 9 of June 3rd  
required by BOP's Administration process

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

I filed a Bp-9 remedy # 979758-F1 and they rejected it saying It was untimely attached to civil complaint

Bp 8 # 19-049

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F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies. *The PLRA states a Inmate must exhaust all Administra  
Remedy before filing a civil suit 42 USC 1997(e) the Remedy  
became unavailable to me when prison official refuse to process  
my Adminstration Remedy pursuant to 28 CFR § 542.16.*  
*(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your  
administrative remedies.)*

**VIII. Previous Lawsuits**

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

- Yes  
 No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

*Chambers V. Conrad NO. 4:13-cv-00186-JAJ (S.D.Iowa)  
Chambers V. Fehrmann NO 4:15-cv-04652-SLD-JEH (C.D.Ill)*

Page 8(A)

Some of these cases don't constitute a strike

Chambers vs Santus 3:18-cv-06820-DBF (N.D.Tex.)

Chambers v. Gillin Appeal No. 517-CV-01353

Chambers v. Sircane No. 4117-CV-06432-SMR-SBS (S.D.Law)

Chambers v. Long No. 516-CV-06142-G.NS (N.D.Ky.)

Chambers v. Cerrick No. 3:16-cv-06569-CRS (W.D.Ky.)

Cases Dismissed

## Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes  
 No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s)

~~No J Querishy~~ Roscoe Chambers

Defendant(s)

~~No J Querishy~~

2. Court (if federal court, name the district; if state court, name the county and State)

Middle District of Pennsylvania

3. Docket or index number

3:18-cv-2300

4. Name of Judge assigned to your case

Judge Mariani and Magistrate Judge Saporita

5. Approximate date of filing lawsuit

actual my sentence court Judge interpreted it as a civil suit

6. Is the case still pending?

Yes  
 No

If no, give the approximate date of disposition.

I filed a motion to dismiss on 3

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

I filed a motion in June to dismiss pursuant to Fed R. of Civil P. 41 because I technically did not file the civil complaint because I was not then exhausting my administrative remedy

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

Yes

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- Yes  
 No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s)

Roscoe Chambers

Defendant(s)

Warden David J Eberle et al

2. Court (if federal court, name the district; if state court, name the county and State)

Middle District of Pennsylvania

3. Docket or index number

3i18-CV-1009

4. Name of Judge assigned to your case

Mariani, Separits now Alan N. Bloch

5. Approximate date of filing lawsuit

~~June 13, 201~~ May 11, 2018

6. Is the case still pending?

- Yes  
 No

If no, give the approximate date of disposition

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

1) Roscoe Chambers  
Lt C Herrera et al  
2) Central District of California  
3) 3:17-CV-0256 -  
4) Michael FW Fitzgerald + Magistrate Judge Karen E Scott  
5) Dec 2017  
6) Yes

1) Roscoe Chambers  
Warden David Jr. EBBerf et al  
2) Middle District of Pennsylvania  
3) 3:18-CV-1207  
4) Marrani + Saporito now Alan N Block  
5) June 13, 2018  
6) Yes

1) Roscoe Chambers  
Dr Andrew EDinger et al  
2) Middle District of Pennsylvania  
3) 3:18-CV-2251  
4) Marrani + Saporito now Judge Alan N Block  
5) N/A  
6) Yes I dont know they have not address yet.

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)**IX. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

June 12, 2019

Signature of Plaintiff

Roscoe Chambers

Printed Name of Plaintiff

Roscoe Chambers

Prison Identification #

13495-030

Prison Address

USP Lewisburg P.O. Box 1000LewisburgPA17837Zip Code**B. For Attorneys**

Date of signing:

NONE Pro se litigant

Signature of Attorney

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Printed Name of Attorney

---

Bar Number

---

Name of Law Firm

---

Address

---

City

State

Zip Code

Telephone Number

---

E-mail Address

---

LEW 1330.13D  
ADMINISTRATIVE REMEDY PROGRAM  
ATTACHMENT A

## INFORMAL RESOLUTION ATTEMPT # 19-069

In accordance with Program Statement 1330.13, Administrative Remedy Program, this form will serve as documentation by the respective staff member and the unit manager to indicate an informal attempt to resolve the complaint of the following inmate:

NAME: Posscoe Chambers REG NO: 13495-030

FORM TO INMATE: May 22, 2019 STAFF: K. Gemberling X-BLOCK  
(date) (name) (unit)

A BP-299 (13) WILL NOT ORDINARILY BE ACCEPTED WITHOUT THIS COMPLETED FORM ATTACHED

1. NATURE OF COMPLAINT (to be completed by inmate):

On May 9, 2019 Yo Bunk put some kind of poison in my dinner tray, I was throwing up and had severe stomach ache, I am requesting the camera footage for XBLOCK first floor and were every this Correctional officer took my food tray, he did something to my food or he knows who did,

I request program statement # 3420-09 12/1/22 1380-05 I want to be interviewed by S.I.A office and I want Internal affairs to review this Correctional officers file and see if Warden David Jr Ebbert gave him any promotion or recommendation to show the Warden is aware,

I request the nearest F.B.I office and A USA Attorney's office be contacted I want to file charges I don't believe this Correctional officer knows the severity to what he is done, I demand to speak to S.I.A office and Internal Affairs,

And the Unit team is aware of this situation and has done nothing, Counsel of Remedy has refuse to give me a bp 8 until now,

LEW 1330.13D

ADMINISTRATIVE REMEDY PROGRAM  
ATTACHMENT A CONTINUED

**FOR STAFF USE ONLY:** (to be completed within 5 working days)

1. Date Received from inmate: 05-23-2019

2. Staff Member Assigned to Respond to U/M: D. Knapp

3. Efforts Made to Resolve the Problem:

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4. Applicable Program Statement Used in this Informal Resolution Attempt:

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5. Inmate's Response to Informal Remedy Attempt:

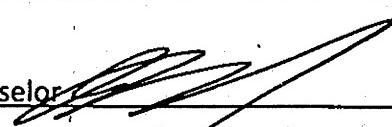
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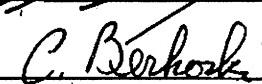
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Prepared by: K. Gemberling/ Correctional Counselor 

Received by (U/M): C. Berkoski/ Unit Manager 

Original Returned to Inmate (Date): 6/3/19

cc: Central File

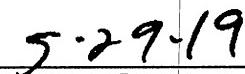
Inmate Name: Chambers, Roscoe  
Inmate Reg. No. 13495-030  
Quarters: X-Block

In your Informal Resolution Attempt, received May 29, 2019, wherein you claim staff contaminated your food tray on May 9, 2019. You are requesting an investigation be conducted.

Staff misconduct is viewed very seriously. Staff conduct is governed by Program Statement 3420.11, Standards of Employee Conduct, dated December 6, 2013. An examination has been conducted regarding your claims, to include interviews with applicable staff and a review of documentation. No significant information was discovered to support your claims or show staff was negligent in their duties. Furthermore, staff identified in your complaint denied contaminating your food tray in any way.

Based on this evidence, your request for Informal Resolution is denied.

  
\_\_\_\_\_  
J. Konkle Captain

  
\_\_\_\_\_  
Date

REJECTION NOTICE - ADMINISTRATIVE REMEDY

DATE: JUNE 5, 2019

*R. Bas*  
FROM: ADMINISTRATIVE REMEDY COORDINATOR  
LEWISBURG USP

TO :--ROSCOE CHAMBERS, 13495-030--  
LEWISBURG-USP-- UNT: X-BLOCK QTR: X02-117U  
2400 ROBERT F. MILLER DRIVE  
LEWISBURG, PA 17837

FOR THE REASONS LISTED BELOW, THIS ADMINISTRATIVE REMEDY REQUEST  
IS BEING REJECTED AND RETURNED TO YOU. YOU SHOULD INCLUDE A COPY  
OF THIS NOTICE WITH ANY FUTURE CORRESPONDENCE REGARDING THE REJECTION.

REMEDIY ID : 979758-F1 ADMINISTRATIVE REMEDY REQUEST  
DATE RECEIVED : JUNE 5, 2019  
SUBJECT 1 : UNPROFESSIONAL, INAPPROPRIATE CONDUCT OR MISCONDUCT BY STAFF  
SUBJECT 2 :  
INCIDENT RPT NO:

REJECT REASON 1: YOUR REQUEST IS UNTIMELY. INSTITUTION AND CCC REQUESTS  
(BP-09) MUST BE RECEIVED W/20 DAYS OF THE EVENT COMPLAINED  
ABOUT.

U.S. DEPARTMENT OF JUSTICE  
Federal Bureau of Prisons

## REQUEST FOR ADMINISTRATIVE REMEDY

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

From: Chambers Roscoe  
LAST NAME, FIRST, MIDDLE INITIAL

13495-030  
REG. NO.

XBlock  
UNIT

USP Lewisburg  
INSTITUTION

## Part A- INMATE REQUEST

I request the camera footage preserve for X Block 1 first floor on May 9, 2018 so B. funk put some poison in my food tray at dinner time, I was sick and throwing up, I want the camera footage preserve everywhere he took my food tray, he claims he just open the food lid and look in it, I request to be interviewed by SIS and SIA Internal Affairs. I want the F.B.I contacted, and not to have so Bunk around my food tray

June 3, 2019

DATE

Roscoe Chambers

SIGNATURE OF REQUESTER

## Part B- RESPONSE

RECEIVED

JUN 05 2019

ADMIN REMEDY CLERK  
USP LEWISBURG

DATE

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER:

979758-F

CASE NUMBER:

## Part C- RECEIPT

Return to:

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

SUBJECT:

DATE

DECEDIENT'S SIGNATURE / STAFF MEMBER

Inmate Name: Rascoe Chambers  
Register Number: 13495-030  
United States Penitentiary Lewisburg  
P.O. Box 1000  
Lewisburg, PA 17837

ON  
12 JUN 2019

17 JUN 2019

Legal Mail

RECEIVED  
SCRANTON

JUN 20 2019

PER

DEPUTY CLERK

Office of the Clerk  
United States District Court  
for the Middle District of Pennsylvania  
William J NEALON Federal Bldg & US Courthouse  
235 North Washington Avenue  
P.O. Box 1148  
SCRANTON, PA 18501-1148

